

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS PENSION FUND, NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS WELFARE  
FUND, NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS VACATION FUND, NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS ANNUITY  
FUND, NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS ANNUITY FUND, NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS APPRENTICESHIP,  
JOURNEYMAN RETRAINING, EDUCATIONAL AND  
INDUSTRY FUND, NEW YORK CITY DISTRICT COUNCIL  
OF CARPENTERS CHARITY FUND, UNITED BROTHERHOOD  
OF CARPENTERS AND JOINER OF AMERICA FUND and  
THE NEW YORK CITY AND VICINITY CARPENTERS  
LABOR MANAGEMENT CORPORATION, by MICHAEL J.  
FORDE, and PAUL O'BRIEN, as TRUSTEE, AND MICHAEL J.  
FORDE AS EXECUTIVE SECRETARY-TREASURER,  
DISTRICT COUNCIL FOR NEW YORK CITY AND VICINITY,  
UNITED BROTHERHOOD OF CARPENTERS AND JOINDERS  
OF AMERICA,

08-CV-3735(NRB)

**ANSWER**

Plaintiffs,

-against-

S&G FLOORING, INC.,

Defendant.

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Defendant, S&G FLOORING, INC., by and through their attorneys, MILMAN  
LABUDA LAW GROUP PLLC, responds to allegations in the Complaint as follows:

1. Defendant admits Plaintiffs bring this action to confirm and enforce an arbitration award as alleged in Paragraph 1 of the Complaint but denies that confirmation and enforcement are appropriate.
2. Defendant admits the allegations contained in Paragraph 2 of the Complaint.

3. Defendant denies the allegations contained in Paragraph 3 of the Complaint.

4. Defendant admits the allegations contained in Paragraph 4 of the Complaint.

5. Defendant denies possessing sufficient knowledge or information to form a belief concerning the truth of the allegations contained in Paragraph 5 of the Complaint.

6. Defendant denies possessing sufficient knowledge or information to form a belief concerning the truth of the allegations contained in Paragraph 6 of the Complaint.

7. Defendant admits the allegation contained in Paragraph 7 of the Complaint.

8. Defendant denies the allegations contained in Paragraph 8 of the Complaint.

9. Defendant denies the allegations contained in Paragraph 9 of the Complaint.

10. Defendant denies the allegations contained in Paragraph 10 of the Complaint.

11. Defendant denies the allegations contained in Paragraph 11 of the Complaint.

12. Defendant denies the allegations contained in Paragraph 12 of the Complaint.

13. Defendant denies the allegations contained in Paragraph 13 of the Complaint.

14. Defendant denies the allegations contained in Paragraph 14 of the Complaint.

15. Defendant denies the allegations contained in Paragraph 15 of the Complaint.

**AFFIRMATIVE DEFENSES**

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

16. Plaintiff fails to state a cause of action upon which relief may be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

17. All or part of the Complaint is time-barred pursuant to the applicable statute of limitations.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

18. The arbitration awards are not enforceable because no valid agreement exists between the parties.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

19. Plaintiff is barred from commencing this action based on the doctrines of laches and equitable estoppel.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

20. The arbitration awards are not enforceable because the Defendant did not receive proper notice of the Union grievances and arbitration hearing and was therefore denied due process.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

21. The arbitration award is not enforceable because the arbitrator exceeded the scope of his authority.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

22. The Court lacks personal jurisdiction over the Defendant due to insufficiency of service.

WHEREFORE, Defendant demands judgment dismissing the Complaint, with prejudice, and warding Defendant's attorneys' fees, costs and disbursements of this action, and such other and further relief this Honorable Court deems just, equitable and proper.

Dated: Lake Success, New York  
May 27, 2008

MILMAN LABUDA LAW GROUP PLLC

By: \_\_\_\_\_  
Joseph M. Labuda  
Attorneys for Defendant  
3000 Marcus Avenue, Suite 3W3  
Lake Success, NY 11042  
(516) 328-8899